



07-CV-01495-FINAFF

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JEREMY JOSEPH SIMMONS,

Petitioner,

v.

[UNNAMED],

Respondent.

CASE NO. C07-1495-TSZ

ORDER DENYING PETITIONER'S  
HABEAS PETITION WITHOUT  
PREJUDICE

The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's answer thereto, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's habeas petition and this action are DISMISSED, without prejudice, pursuant to Local Rule CR 41(b)(2); and,
- (3) The Clerk is directed to send copies of this Order to petitioner and to Judge Theiler.

DATED this 6 day of May, 2008.

THOMAS S. ZILLY

United States District Judge

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